

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION**

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	3:10-cr-00020-RLY-CMM
vs.)	
)	
ALVIN BUCKLEY,)	
Defendant.)	

REPORT AND RECOMMENDATION

On February 4, 2020, the Court held an initial hearing on the Petition for Warrant for Offender Under Supervision filed on December 31, 2019. Alvin Buckley ("Defendant") appeared in person with FCD counsel, Michael Donahoe. The government appeared by James Warden, Assistant United States Attorney, o/b/o Lauren Wheatley, Assistant United States Attorney. U. S. Probation appeared by Officer Jennifer Considine.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. §3583:

1. The Court advised Defendant of his rights and provided him with a copy of the petition. Defendant orally waived his right to a preliminary hearing.

2. After being placed under oath, Defendant admitted Violation Nos. 2-4.
[Docket No. 72.]

3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

2	"You shall not use or possess alcohol."
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As previously reported to the Court, on July 28, 2018, Alvin Buckley tested positive for alcohol via his mobile alcohol monitoring device, Sober Link and on December 17, 2018, a urinalysis was collected and confirmed positive for ethanol alcohol.

- 3 "You shall reside at a location approved by the probation officer and shall notify the probation officer at least 72 hours prior to any planned change in place or circumstances of residence or employment (including, but not limited to, changes in residence occupants, job positions, job responsibilities). When prior notification is not possible, you shall notify the probation officer within 72 hours of the change."

Mr. Alvin Buckley, failed to notify his probation officer of a change in his address within 72 hours. Conditions set forth in the new criminal offense in 82D03-1912-F6-008794 (Vanderburgh County, Indiana) ordered Mr. Buckley, "no contact with the victims and to stay away from 1019 S Harlan Ave". To date, Mr. Buckley has failed to report a change in address.

- 4 "You shall notify the probation officer within 72 hours of being arrested, charged, or questioned by a law enforcement officer."

Mr. Alvin Buckley failed to notify his probation officer within 72 hours of his arrest on December 20, 2019 for Confinement, Level 6 Felony and Domestic Battery committed in the presence of a child less than 16 years old, Level 6 Felony in Vanderburgh County, Indiana (82D03-1912-F6-008794).

4. The parties stipulated that:

- (a) The highest grade of violation is a Grade **C** violation.
- (b) Defendant's criminal history category is **V**.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is **7 to 13** months imprisonment.

5. Parties jointly recommended that defendant be incarcerated for thirteen (13) months, with no supervised release to follow.

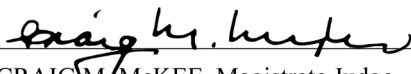
6. The Magistrate Judge, having considered the factors in 18 U.S.C. §3553(a), and as more fully set forth on the record, finds that:

- (a) The Defendant violated the conditions in the petition;
- (b) That the agreement of the parties is an appropriate resolution of this matter and the agreement is commended to the favorable consideration of the District Judge;
- (c) That, consistent with the agreement, the Magistrate Judge recommends that the defendant's supervised release be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of thirteen (13) months, with no supervised release to follow. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation. The Court recommends to the Bureau of Prisons placement at Terre Haute, Indiana; Marion, Illinois; or Miner, Michigan. Upon adoption of this agreement by the District Judge, the Government will dismiss violation #1.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge.

The parties have 14 days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: February 4, 2020


CRAIG M. McKEE, Magistrate Judge
United States District Court
Southern District of Indiana

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